



## TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

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June 28, 2024

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Melissa Fisher  
RISE Residential  
16812 Dallas Parkway  
Dallas, Texas 75248

RE: APPEAL REGARDING 9% HOUSING TAX CREDIT APPLICATION  
24243 MISSION ROAD APARTMENTS (DEVELOPMENT)

Ms. Fisher:

The Texas Department of Housing and Community Affairs (Department) received the Application named above on March 1, 2024. The Application was submitted to compete in the Urban 9 Subregion and requests \$1,930,000 in Housing Tax Credits to construct 88 units, all of which are affordable, in San Antonio. During the Application's review, the Department determined the Application is substantially deficient, and identified approximately 40 Administrative Deficiencies covering a wide range of issues.

On June 7th, 2024, the Department issued a notice of termination, stating that these items in aggregate are considered a Material Deficiency in accordance with 10 TAC §11.202(2)(B) as resolving all issues would require an extensive re-review of the Application. While the termination notice did not list all items individually, it highlighted several of the key areas where the Application was substantially deficient including the Environmental Site Assessment's failure to meet threshold requirements, contradictory information regarding the Development Site and its location, and incomplete architectural drawings. The Applicant timely appealed the termination notice on June 14, 2024.

The Appeal asserts that the Deficiencies identified in the termination notice are minor discrepancies and should be resolved through the Administrative Deficiency process. The Applicant states that much of the inconsistent information provided in regards to the site, such as the coordinates, tie-breaker, and contradictory census tract information, was mistakenly entered. In regards to the incomplete architectural drawings, the Applicant states the package included was preliminary and was intended to serve as a placeholder until a complete set was received. The final drawings were accidentally omitted



and the Application was erroneously submitted with the preliminary package. Regarding the Environmental Site Assessment, the appeal states the missing acreage is due to an export error that occurred when the provider generated the report. The appeal reiterates that while the number of deficiencies identified is high, all are administrative in nature and do not impact scoring or underwriting primases.

The Department appreciates the Applicant's explanation of the items highlighted in the termination notice and understands the potential for error when compiling an Application for Housing Tax Credits. While each individual deficiency may be explainable by the Applicant, the deficiencies in aggregate represent an Application that is substantially incomplete. 10 TAC §11.1(d)(79), which defines a Material Deficiency, states in part:

It is possible that multiple deficiencies that could individually be characterized as Administrative Deficiencies, when taken as a whole, would create a need for substantial re-review of the Application and as such would be characterized as constituting a Material Deficiency.

Rectifying all issues identified by Staff will constitute a substantial re-review of the Application. The appeal itself represents that significant aspects of the Application are not up to date and will need to be resubmitted in order for Department staff to complete a review. The QAP makes clear that in such situations multiple Administrative Deficiencies can constitute a Material Deficiency. Accordingly, your appeal is denied.

If you have any questions or concerns, please contact Cody Campbell, Director of Multifamily Programs, at 512-475-1676 or by email at [cody.campbell@tdhca.state.tx.us](mailto:cody.campbell@tdhca.state.tx.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "R D Wil II", with a stylized flourish at the end.

Bobby Wilkinson  
Executive Director